



## Fiscal Estimate Narratives

SPD 4/23/2013

LRB Number	<b>13-1628/1</b>	Introduction Number	<b>AB-0150</b>	Estimate Type	<b>Original</b>
<b>Description</b> Posttermination of parental rights contact between a child and a birth relative of the child; disclosure of the name and address of an out-of-home placement of a child; sharing of home study reports with another agency; elimination of home studies for certain proposed adoptive parents; disclosure of the name and last-known address of a proposed adoptive parent of a child to an agency that is determining the availability of an adoptive placement for a sibling of the child; providing full faith and credit to a tribal court proceeding for a suspension of parental rights or an adoption under tribal law or custom; and jurisdiction over and venue for an adoption petition					

### Assumptions Used in Arriving at Fiscal Estimate

The State Public Defender (SPD) is statutorily authorized and required to appoint attorneys to represent indigent defendants in criminal and certain commitment proceedings. The SPD plays a significant role in ensuring that the Wisconsin justice system complies with the right to counsel provided by both the state and federal constitutions. Any legislation has the potential to increase SPD costs if it creates a new criminal offense, expands the definition of an existing criminal offense, or increases the penalties for an existing offense.

This bill permits a posttermination contact agreement to be entered into between the proposed adoptive parents or guardian of a child and a relative of the child at any time before a termination of parental rights (TPR) order is granted if the child is in the legal custody or under supervision or guardianship of an agency and the child, if 12 years of age or over, consents to the terms of the agreement. The bill specifies the terms of the agreement and the requirements for approval, termination or modification of the agreement. This bill also eliminates the requirements for a home study to be conducted for purposes of an adoption for foster home operants.

The SPD has no data to predict the number of additional TPR cases that could result from the changes proposed in this bill. The SPD's FY 2012 average cost to provide representation with a private bar attorney in a TPR case is \$1,157.72. One provision of the bill adds a new type of termination resolution in Indian Child Welfare Act proceedings called a "suspension of parental rights." Since the SPD is authorized to provide representation in these cases, it is possible that this bill will have an effect on the SPD's caseload. We cannot quantify the possible number of new cases, but it is likely to be minimal and can be absorbed within the agency's current budget.

### Long-Range Fiscal Implications